

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: ASBESTOS PRODUCTS
LIABILITY LITIGATION (No. VI)**

MDL DOCKET NO.: MDL-875

**THIS DOCUMENT RELATES TO:
Cases Identified on the Attached Exhibit A**

**CERTAIN DEFENDANTS' MOTION FOR LEAVE TO FILE
REPLY IN SUPPORT OF MOTION FOR DISMISSALS WITH PREJUDICE FOR
FAILURE TO FILE AN ADMINISTRATIVE ORDER NO. 12 REPORT**

Certain Defendants, by and through counsel, on behalf of the pending Defendants listed in Exhibit A, and pursuant to E.D. Pa. Local R. Civ. P. 7.1(c), hereby respectfully submit this Motion for Leave to File a Reply in Support of Motion for Dismissals With Prejudice for Failure to File an Administrative Order No. 12 Report, and state in support as follows:

1. Certain Defendants filed a Combined Motion and Brief for Dismissals With Prejudice for Failure to File an Administrative Order No. 12 Report ("Certain Defendants' Motion") in multiple cases.

2. Plaintiffs filed a Response in Opposition to Certain Defendants' Combined Motion and Brief for Dismissals With Prejudice for Failure to File an Administrative Order No. 12 Report ("Plaintiffs' Response") on December 15, 2011. Plaintiffs' Response applies to 31 of the cases in which Certain Defendants' Motion was filed. Plaintiffs' Response asserts that Administrative Order No. 12 ("AO 12") submissions were properly filed-and-served and has AO 12 submissions attached.

3. Certain Defendants request leave to file a reply in support of Certain Defendants' Motion because:

a. In some of the 31 cases, Plaintiffs failed to serve their tendered AO 12 submissions;

b. In some of the 31 cases, Plaintiffs failed to serve all pending defendants, including one or more of Certain Defendants;

c. In some of the 31 cases, Plaintiffs reported in their AO 12 submissions that the Plaintiff's claims as to one or more of Certain Defendants had been resolved;

d. In some of the 31 cases, Plaintiffs' cases should nonetheless be dismissed without prejudice because their tendered AO 12 submissions are insufficient under AO 12's medical requirements; and

e. Certain Defendants wish to apprise the Court of the efforts made to identify AO 12 submissions in the 31 cases prior to the filing of Certain Defendants' Motion.

4. Pursuant to the provisions of Rule 7.1(c) of the Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania, after a contested motion and opposition brief have been filed, "[t]he court may require or permit further briefs or submissions if the Court deems it appropriate" A reply brief will assist the Court with determination of Certain Defendants' Motion in the 31 cases to which Plaintiffs' Response applies following Plaintiffs' submission of AO 12 reports in Plaintiffs' Response and the issues arising based upon those AO 12 submissions.

5. Defendants respectfully request that the Court exercise its discretion to grant leave for filing Certain Defendants' Reply attached hereto as Exhibit B. A proposed Order is attached as Exhibit C.

WHEREFORE, Certain Defendants respectfully request that the Court grant this Motion for Leave to File a Reply in Support of Motions for Dismissal With Prejudice for Failure to File an Administrative Order No. 12 Report.

DATED this day of January 4, 2012.

Respectfully submitted,

/s/ David M. Setter

Walter G. Watkins, Jr.

Thomas W. Tardy, III

David M. Setter

Daniel J. Mulholland

John M. Seebohm

FORMAN PERRY WATKINS KRUTZ & TARDY LLP

ON BEHALF OF DEFENDANTS:

GENERAL ELECTRIC COMPANY

GEORGIA-PACIFIC LLC

I. U. NORTH AMERICA, INC.

MAREMONT CORPORATION

NOSROC CORPORATION

OWENS-ILLINOIS, INC. d/b/a O-I

UNION CARBIDE CORPORATION

BAYER CROPSCIENCE, INC. AS CORPORATE
SUCCESSOR TO AMCHEM PRODUCTS, INC.

(incorrectly named and served as Benjamin Foster a
Division of Amchem Products, Inc. n/k/a Rhone Poulenc
Inc.)

CBS CORPORATION, A DELAWARE
CORPORATION, F/K/A VIACOM, INC., SUCCESSOR
BY MERGER TO CBS CORPORATION, A
PENNSYLVANIA CORPORATION, F/K/A
WESTINGHOUSE ELECTRIC CORPORATION

CERTIFICATE OF SERVICE

I, David M. Setter, hereby certify that I have this date filed the above and foregoing with the Clerk of the Court pursuant to the Court's Order dated August 16, 2011, entered in "Cases in which Plaintiff is represented by Cascino Vaughan Law Offices" and providing for filing of motions or pleadings that apply identically in ten or more cases, and I hereby certify that I have e-mailed the document to Magistrate Judge David R. Strawbridge and to all counsel of record.

THIS, the 4th day of January, 2012.

/s/ David M. Setter
David M. Setter